

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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DERWIN JONES,

Plaintiff,

v.

SCOTT HOFTIEZER and  
DAVID BURNETT,

Defendants.

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ORDER

08-cv-294-bbc

In this case, plaintiff Derwin Jones is proceeding on his Eighth Amendment claims that defendants Hoftiezer and Burnett denied him surgery for his hammertoe deformities and that defendant Burnett failed to insure plaintiff was provided his prescribed medicated cream. Plaintiff has filed a motion for summary judgment, which must be denied at the outset for his failure to comply with this court's summary judgment procedures, a copy of which was sent to him with the Magistrate Judge's preliminary pretrial conference order entered on September 26, 2008.

This court's procedures require that a party moving for summary judgment submit a motion, proposed findings of fact, evidentiary materials and a supporting brief. Procedures

I.A. Plaintiff's motion consists of a single two-page document that provides conclusory statements regarding his claims and cites to evidence plaintiff did not submit with his motion. Because plaintiff's motion for summary judgment is not in compliance with the court's procedures, it must be denied. However, this will not prejudice plaintiff. He will have a chance to submit his version of the facts and evidentiary materials in proper form in response to defendants' motion for summary judgment, if they should file one. Plaintiff is advised to read carefully the court's procedures for responding to proposed findings of fact and submit his response and evidentiary materials correctly so that they can be considered in deciding the motion.

ORDER

IT IS ORDERED that plaintiff's motion for summary judgment, dkt. #27, is DENIED for his failure to file a motion that is in compliance with this court's procedures.

Entered this 27<sup>th</sup> day of February, 2009.

BY THE COURT:

/s/

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BARBARA B. CRABB  
District Judge